

**United States Environmental Protection Agency
Region 5
Air Programs Branch
Air & Radiation Division
77 West Jackson Boulevard
Chicago, Illinois 60604**

**AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE**

Permit Number: V-ML-2709500005-2009-01 Expiration Date: August 27, 2014
Issue Date: August 27, 2009 Effective Date: August 27, 2009

In accordance with the provisions of Title V of the Clean Air Act, 40 C.F.R. Part 71, and other applicable rules and regulations.

**Mille Lacs Band Corporate Commission
d/b/a Grand Casino Mille Lacs**

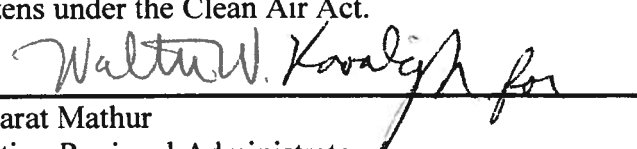
is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to operate in the following location:

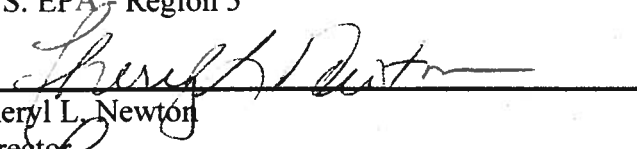
**Grand Casino Mille Lacs
777 Grand Avenue, Highway 169
Onamia, Mille Lacs County, Minnesota 56359**

Grand Casino Mille Lacs is located on lands held in trust for the Mille Lacs Band of Ojibwe Indians.

Terms and conditions not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act.


Bharat Mathur
Acting Regional Administrator
U. S. EPA - Region 5

8/27/09
Date


Cheryl L. Newton
Director
Air and Radiation Division
U. S. EPA - Region 5

8/26/09
Date

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Abbreviations and Acronyms

ASTM	American Society for Testing and Materials
CAA	Clean Air Act [42 U.S.C. § 7401, <i>et seq.</i>]
CFR	Code of Federal Regulations
EPA	United States Environmental Protection Agency, Region 5
EU	Emission Unit
Facility	Grand Casino Mille Lacs facility at 777 Grand Avenue, Highway 169, Onamia, Mille Lacs County, Minnesota
gal	gallon
g	grams
HAP	Hazardous Air Pollutant
hr	hour
Id. No.	Identification Number
kg	kilogram
lb	pound
MACT	Maximum Achievable Control Technology
Mg	Megagram
MMBtu	Million British Thermal Units
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO _x	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
Operator	Mille Lacs Band Corporate Commission
Permittee	Mille Lacs Band Corporate Commission
PM	Particulate Matter
PM ₁₀	Particulate Matter less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
SO ₂	Sulfur Dioxide
VOC	Volatile Organic Compounds

1.0 Source Identification and Unit-Specific Information

(A). General Source Information

Parent Company: Mille Lacs Band Corporate Commission
777 Grand Avenue, Highway 169
Onamia, Mille Lacs County, Minnesota 56359

Facility: Grand Casino Mille Lacs
777 Grand Avenue, Highway 169
Onamia, Mille Lacs County, Minnesota 56359

County: Mille Lacs

Tribe/Reservation: Mille Lacs Band of Ojibwe

Company Contact: Phone: (320) 532-8307

SIC Code: 7011, Hotels and motels
4911, Electricity generation

AFS Plant Identification Number: 27 095 00005

Description of Process: Four diesel-burning generator sets provide peak load management and backup power for Grand Casino Mille Lacs. Electricity generated at the facility will not be sold for distribution. Operation for EU001, EU002, and EU003 is each limited to 300 hours per year. The total generation capacity of the four generator sets is 6.6 megawatts.

(B). Source Emission Points

Emissions unit:	EU001	EU002	EU003	EU004
Unit Type:	Electrical generator set	Electrical generator set	Electrical generator set	Electrical generator set
Manufacturer/Model:	Caterpillar Model 3516B	Caterpillar Model 3516B	Caterpillar Model 3512B	Caterpillar Model 3512 DITA
Serial No.	KFDN00628	CFDN1516	CMC00369	HCMJ01609
Date Installed:	2001	2004	2001	2005
Power Rating:	2,000 kW	2,000 kW	1,400 kW	1,250 kW
Exhaust Height:	16 feet	16 feet	16 feet	13.25 feet
Exhaust Diameter:	1.33 feet	1.33 feet	1.17 feet	0.833 feet
Exhaust Flow:	16,040 acfm	16,040 acfm	11,696 acfm	10,799 acfm
Exhaust Temperature:	958 ⁰ F	958 ⁰ F	912 ⁰ F	1,007 ⁰ F
Fuel Type:	Diesel fuel with a maximum sulfur content of 0.05%	Diesel fuel with a maximum sulfur content of 0.05%	Diesel fuel with a maximum sulfur content of 0.05%	Diesel fuel with a maximum sulfur content of 0.05%

Fuel Consumption Rate @ max. capacity:	139.7 gallons per year	139.7 gallons per year	102.8 gallons per year	93.5 gallons per year
Shaft Power:	2,885 brake horsepower	2,885 brake horsepower	2,059 brake horsepower	1,818 brake horsepower
Rated Speed:	1,800 revolutions per minute	1,800 revolutions per minute	1,800 revolutions per minute	1,800 revolutions per minute

2.0 UNIT-SPECIFIC OPERATING REQUIREMENTS

(A). Emission Limitations and Standards [40 C.F.R. § 71.6(a)(1)]

The Permittee shall comply with the following requirements:

1. Nitrogen Oxide Limitation.

i. EU001 and EU002

- (a). NOx emission rate shall be at all times no greater than 68.16 lb/hr (per each of these two generator sets) expressed as NO₂, averaged over the duration of the emission performance test [PSD Permit PSD-ML-R50007-05-01, Sect. (2)(A)(1)(i)(a)]
- (b). NOx emission rate (per each of these two generator sets) shall be at all times no greater than 10.72 grams per brake horsepower-hour (g/bhp-hr) [PSD Permit PSD-ML-R50007-05-01, Sect. (2)(A)(1)(i)(b)]
- (c). NOx emission rate per each of these two generator sets shall be at all times no greater than 10.22 tpy expressed as NO₂, calculated based on a 12-month rolling sum. Compliance with this limit shall be based on a rolling sum of total monthly emissions during the previous 12 months. [PSD Permit PSD-ML-R50007-05-01, Sect. (2)(A)(1)(i)(c)]

ii. EU003

- (a). NOx emission rate shall be at all times no greater than 50.49 lb/hr expressed as NO₂, averaged over the duration of the emission performance test [PSD Permit PSD-ML-R50007-05-01, Sect. (2)(A)(1)(iii)(a)]
- (b). NOx emission rate shall be at all times no greater than 11.12 grams per brake horsepower-hour (g/bhp-hr) [PSD Permit PSD-ML-R50007-05-01, Sect. (2)(A)(1)(iii)(b)]

- (c). NOx emission rate shall be at all times no greater than 7.57 tpy expressed as NO₂, calculated based on a 12-month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months. [PSD Permit PSD-ML-R50007-05-01, Sect. (2)(A)(1)(iii)(c)]

iii. EU004

NOx emission rate shall be at all times no greater than 209 tpy expressed as NO₂, calculated based on a 12-month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months. [40 C.F.R. § 71.6(a)(1)]

(B). Work Practice and Operational Requirements

1. The Permittee shall not cause or allow operating hours for emissions units (engine-generator set) EU001, EU002, and EU003 to exceed 300 hours per year, per emission unit, based on a 12-month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months. [PSD permit PSD-ML-R50007-05-01 Sect.(1)(A)]
2. The Permittee shall operate a turbocharger and aftercooler at all times during operation of any of the emission units. [40 C.F.R. § 71.6(a)(1) and PSD permit PSD-ML-R50007-05-01 Sect.(2)(A)(2)(i)]
3. The Permittee shall maintain the aftercooler return water temperature for each emission unit at less than or equal to 225 degrees Fahrenheit. [40 C.F.R. § 71.6(a)(1) and PSD permit PSD-ML-R50007-05-01 Sect.(2)(A)(2)(ii)]
4. The Permittee shall operate each emission unit in lean burn combustion conditions at all times. [40 C.F.R. § 71.6(a)(1) and PSD permit PSD-ML-R50007-05-01 Sect.(2)(A)(2)(iii)]
5. The Permittee shall operate the emission units at all times at retard engine timing, which involves delaying the injection of fuel in the engine for each engine. [40 C.F.R. § 71.6(a)(1) and PSD permit PSD-ML-R50007-05-01 Sect.(2)(A)(2)(iv)]
6. The Permittee shall set the flash file program files #205-6998 and #205-6842, which electronically control each engine, for retard engine timing. [40 C.F.R. § 71.6(a)(1) and PSD permit PSD-ML-R50007-05-01 Sect.(2)(A)(2)(v)]

(C). Monitoring and Testing

1. The Permittee shall continuously monitor the aftercooler water temperature for each engine. [40 C.F.R. § 71.6(a)(1) and PSD permit PSD-ML-R50007-05-01 Sect.(2)(B)(1)(i)]

2. The Permittee shall continuously monitor the intake manifold pressure for each engine. [40 C.F.R. § 71.6(a)(1) and PSD permit PSD-ML-R50007-05-01 Sect.(2)(B)(1)(ii)]
3. Performance Testing [40 C.F.R. § 71.6(a)(1) and PSD permit PSD-ML-R5007-05-01 Sect.(2)(B)]
 - i. Periodic performance tests for emission units EU001 – EU003: The Permittee shall conduct performance tests every five calendar years, starting on or before the fifth anniversary of the initial compliance test, to determine compliance with all NO_x emissions limits. Within 45 days of the performance tests, the Permittee shall submit to EPA a written report of the results of such performance tests.
 - iii. Reference Test Methods: The Permittee shall test EU001 – EU003 for emissions of nitrogen compounds in accordance with the methods and procedures specified in Method 7E of 40 C.F.R. Part 60, Appendix A for testing nitrogen oxide emissions, unless otherwise approved in advance of the test by EPA.
 - iii. Representative Testing Conditions: The Permittee shall conduct the performance tests under such conditions as the EPA shall specify to the plant operator based on representative performance of the affected facility. The Permittee shall maintain at the facility and make available to the EPA such records as EPA requests to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test.
 - iv. Operating Conditions for Performance Testing: The Permittee shall conduct all performance tests for each air pollutant at worst-case operating (non-malfunction) conditions.
 - v. Failure to Demonstrate Compliance: If any performance test demonstrates that any emissions unit is not in compliance with all applicable emissions limits, the Permittee shall:
 1. Submit to the EPA, within 30 days of receipt of test results that show noncompliance, written notice of testing and a test plan for the retest;
 2. Conduct a retest within 45 days of submission of the test plan;
 3. Submit to EPA a complete report of the results of the retest within 45 days after completion.

- vi. Agency Tests. Upon request of the EPA, the Permittee shall allow the EPA, or any authorized employee or agent of the EPA, to enter the facility to conduct performance tests. The Permittee shall provide performance testing facilities that enable EPA to conduct performance tests, including:

1. Sampling ports adequate for the applicable test methods;
2. Safe sampling platforms;
3. Safe access to sampling platforms; and
4. Utilities for sampling and testing equipment.

In addition, the Permittee shall operate the emission facility at worst-case conditions or other conditions as requested by EPA, and shall provide assistance in process monitoring and process material sampling as requested.

4. Annual Testing: [40 C.F.R. § 71.6(a)(1) and PSD permit PSD-ML-R50007-05-01 Sect.(2)(B)(3)]
- i. The Permittee shall measure NO_x emissions annually (on or before the anniversary of the initial compliance test) using a portable emissions analyzer to determine compliance with applicable NO_x emissions limits, and shall submit to EPA a written report of the results of such measurements no later than 45 days after the tests are completed. The Permittee shall use the portable emissions analyzer according to the Portable Electrochemical Analyzer Procedure in Attachment 1 of this permit. This requirement does not apply during the calendar years in which the Permittee conducts a performance test.
 - ii. Test Reports. The Permittee shall submit a copy of the portable emissions analyzer results to the EPA with the report required by section 4.i., above.
 - iii. Operating Conditions. The Permittee shall conduct all portable emissions analyzer monitoring under worst-case operating (non-malfunction) conditions.
5. Initial Compliance Test Testing [40 C.F.R. § 71.6(a)(1)] Within 180 days of permit issuance, the Permittee shall conduct an initial compliance test for EU004 to ascertain compliance with the annual emission limit set forth in Section 2(A)(1)(iii) of this permit. The Permittee shall determine the NO_x emission rate, expressed as NO₂, using exhaust properties determined by 40 C.F.R. Part 60, Appendix A, Method 7E. Within 45 days of the performance test, the Permittee shall furnish the EPA a written report of the test results. If the test results lead to calculated annual emissions of more than 209 tpy, then the Permittee shall

measure NO_x emissions using a portable emissions analyzer, as mentioned in Section 2(1)(4)(i) of this permit, each year until compliance is demonstrated. The Permittee is to calculate the annual NO_x emissions using the results of the NO_x compliance test.

(D). Recordkeeping and Reporting [40 C.F.R. § 71.6(a)(1) and PSD permit PSD-ML-R50007-05-01 Sect.(2)(C)]

The Permittee shall maintain at the facility a file containing the records specified below. The Permittee shall retain all records at the facility location for at least five years following the creation of such records. Records which the Permittee must maintain at this location include all calibration and maintenance records, all original recording for continuous monitoring instrumentation, and copies of all reports required by this permit. Records of all monitoring required by this permit, and information about the monitoring, include, but are not limited to:

1. The aftercooler return water temperature, intake manifold pressure, and any changes to flash files #205-6998 and #205-6942 for emission units EU001 – EU004;
2. Fuel usage for emission units EU001 – EU004;
3. Hours of operation for emission units EU001 – EU004;
4. Performance test data and results including:
 - i. Sampling dates and the times of sampling or measurements;
 - ii. The operating conditions that existed at the time of sampling or measurement;
 - iii. The date analyses were performed;
 - iv. The location where samples were taken;
 - v. The company or entity that performed the sampling and analyses;
 - vi. The analytical techniques or methods used in the sampling analysis; and
 - vii. The results of the analysis;
5. Results of annual NO_x testing from the portable emissions analyzer;
6. Reports of excess emissions;
7. Calibration and maintenance records, original strip chart, or computer-based recordings; and

8. Standard Operation and Maintenance Procedures for each emission unit

3.0 FACILITY-WIDE PERMIT REQUIREMENTS

(A). Recordkeeping and Reporting [40 C.F.R. § 71.6(a)(1) and PSD permit PSD-ML-R50007-05-01 Sect.(3)(B)]

1. The Permittee shall maintain at the facility at which the permitted units are located a file of all measurements, including monitoring devices, and performance testing measurements; adjustments and maintenance performed on those devices; and all other information required by this Permit in a permanent form suitable for inspection.
2. Within 45 days after completion of a performance test, the Permittee shall submit a copy of the results to EPA.
3. The Permittee shall retain records of all required monitoring data and support information [40 C.F.R. § 71.6(a)(3)(ii)].

(B). Notification [40 C.F.R. § 71.6(a)(1) and PSD permit PSD-ML-R50007-05-01 Sect.(3)(A)]

1. **Testing Notification.** Written notification of the planned test date shall be postmarked or received by EPA at least 30 days before the planned test date. EPA shall reject the results of a test if the Permittee provides less than 30 days notice unless written authorization of a shorter notice was given by EPA. If, after 30 days notice for a scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the Permittee shall notify EPA as soon as possible, either by providing at least seven days prior notice of the rescheduled date of the performance test or by arranging a reschedule date with the EPA by mutual agreement.
2. **Approval of Test Plan.** The Permittee shall submit to EPA a test plan with or in advance of the test notification required under this section. If EPA determines that the proposed test plan is not adequate to measure compliance with the applicable requirement or compliance document, EPA may reject the plan, and the Permittee must address any of EPA's comments on revisions and additions that are necessary to make the plan complete prior to conducting the test.

(C). General Part 71 Reporting [40 C.F.R. § 71.6(a)(3)(iii)]

1. The Permittee shall submit to EPA semi-annual reports of all required monitoring each six-month reporting period from January 1 to June 30, and from July 1 to December 31, except that the first reporting period shall

begin on the effective date of this permit and end on December 31. All reports shall be submitted to EPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Condition 4.0(H)(1) of this permit. [40 C.F.R. § 71.6(a)(3)(iii)(A)]

- i. A monitoring report under this section must include the following:
 - (a). The company name and address;
 - (b). The beginning and ending dates of the reporting period;
 - (c). The emissions unit or activity being monitored;
 - (d). The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored;
 - (e). All instances of deviations from permit requirements whether demonstrated by referenced test method, monitoring, or through any other credible evidence, including those attributable to upset conditions as defined in this permit, the date on which each deviation occurred, and either the total duration of deviations indicated by such monitoring or the actual records of deviations;
 - (f). The total time when monitoring required by this permit was not performed during the reporting period;
 - (g). All other monitoring results, data, or analyses required to be reported by the applicable requirement; and
 - (h). The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.
- ii. Any report required by an applicable requirement that provides the same information described in Condition 3.0(C)(1)(i)(a) through (h), above, shall satisfy the requirement under (C)(1).
- iii. "Deviation," means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping established in accordance with 40 C.F.R.

§ 71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. "Deviations" includes, but is not limited to, any of the following: [40 C.F.R. § 71.6(a)(3)(iii)(C)]

- (a). A situation when emissions exceed an emission limitation or standard;
 - (b). A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met; and
 - (c). A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.
2. The Permittee shall promptly report to the EPA deviations from permit requirements, including those attributed to malfunction, emergency or other upset conditions, the probable cause of such deviations, and any corrective actions or preventive measures taken. [40 C.F.R. § 71.6(a)(3)(iii)(B)]
3. The Permittee shall submit reports of deviations with the semi-annual monitoring report required in paragraph 1 of this section [40 C.F.R. § 71.6(a)(3)(iii)(A)]

4.0 PART 71 GENERAL REQUIREMENTS

(A). Definitions [40 C.F.R. § 71.2]

Terms and conditions have the meaning assigned to them in Part 71 unless the permit otherwise defines the terms, or references other regulations or statutes.

(B). Annual Fee Payment [40 C.F.R. §§ 71.6(a)(7) and 71.9]

- 1. The Permittee shall pay an annual permit fee in accordance with the procedures outlined below. [40 C.F.R. § 71.9(a)]
- 2. The Permittee shall submit an annual report of its actual emissions for the preceding calendar year, a fee calculation work sheet (based on the report), and full payment of the annual fee each year. The Permittee shall submit the annual report and pay the annual permit fee each year on or before the anniversary date (October 13) of its initial fee calculation work sheet.

The Permittee shall submit the annual report to:

**EPA Region 5
Air and Radiation Division
Air Programs Branch (AR-18J)
Air Permits Section
77 West Jackson Boulevard
Chicago, IL 60604**

3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.

4. The Permittee shall send fee payment and a completed fee filing form to:

For regular U.S. Postal Service mail
U.S. Environmental Protection Agency
FOIA and Miscellaneous Payments
Cincinnati Finance Center
PO Box 979078
St. Louis, MO 63197-9000

For non-U.S. Postal Service Express Mail
(Fed Ex, Airborne, DHL, and USPS)
U.S. Bank
Government Lockbox 979078
U.S.EPA FOIA & Misc. Payments
1005 Convention Plaza
SL-MO-C2-GL
St.Louis, MO 63101

5. The Permittee shall send to the address listed in Condition 4.0(B)(2) of this permit an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment. The Permittee may use the fee calculation worksheet that incorporates an annual emissions report, which is required at the same time as the fee calculation worksheet by Condition 4.0(B)(2) of this permit and 40 C.F.R. § 71.9(h).
6. Basis for calculating annual fee:
 - i. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all regulated pollutants (for fee calculation) emitted from the source, including fugitive emissions

by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.

- (a). “Actual emissions” means the actual rate of emissions in tons per year of any “regulated pollutant (for fee calculation)” emitted from a Part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit’s actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. [40 C.F.R. § 71.9(c)(6)]
 - (b). Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data. [40 C.F.R. § 71.9(h)(3)]
 - (c). The term “regulated pollutant (for fee calculation)” is defined in 40 C.F.R. § 71.2.
 - (d). Prior to the start of each calendar year, the EPA will revise for inflation and make available the presumptive fee amount.
- ii. The Permittee shall exclude the following emissions from the calculation of fees:
- (a). The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year [40 C.F.R. § 71.9(c)(5)(I)];
 - (b). Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation [40 C.F.R. § 71.9(c)(5)(ii)]; and
 - (c). The quantity of actual emissions (for fee calculation) of insignificant activities [defined in 40 C.F.R. § 71.5(c)(11)(i)] or of insignificant emissions levels from emissions units identified in the Permittee’s application [pursuant to 40 C.F.R. § 71.5(c)(11)(ii)]. [40 C.F.R. § 71.9(c)(5)(iii)]

The Permittee must certify the fee calculation worksheets as to truth, accuracy, and completeness by a responsible official, in accordance with Condition 4.0(H)(1).

7. The Permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal

of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the Permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with 40 C.F.R. § 71.6(a)(3)(ii). [40 C.F.R. § 71.9(I)]

8. Failure of the Permittee to pay fees in a timely manner shall subject the Permittee to assessment of penalties and interest in accordance with 40 C.F.R. § 71.9(l).
9. When notified by EPA of underpayment of fees, the Permittee shall remit full payment within 30 days of receipt of notification. [40 C.F.R. § 71.9(j)(1) and (2)]
10. If the Permittee believes that the EPA assessed fee is in error and wishes to challenge such fee, the Permittee shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee. [40 C.F.R. § 71.9(j)(3)]

(C). Compliance Statement [40 C.F.R. § 71.6(a)(6)]

1. The Permittee must comply with all conditions of this Part 71 permit. Any noncompliance with this permit constitutes a violation of the CAA and is grounds for: [40 C.F.R. § 71.6(a)(6)(I)]
 - i. Enforcement action;
 - ii. Permit termination, revocation and reissuance, or modification; and/or
 - iii. Denial of a permit renewal application.
2. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 C.F.R. § 71.6(a)(6)(ii)]

(D). Compliance Certifications [40 C.F.R. § 71.6(c)(5)]

1. The Permittee shall submit annually to EPA a certification of compliance with all permit terms and conditions, including emission limitations, standards, or work practices, for the reporting period from January 1 to December 31, except the first reporting period shall begin on the effective date of this permit and end on December 31. All reports shall be submitted to EPA and shall be postmarked by the 30th day following the end of the reporting period. The compliance certification shall be certified

as to truth, accuracy, and completeness by a responsible official in accordance with Condition 4.0(H)(1) of this permit. The certification shall include the following:

- i. Identification of each permit term or condition that is the basis of the certification;
- ii. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. If necessary, the Permittee also shall identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the CAA, which prohibits knowingly making a false certification or omitting material information;
- iii. The source's compliance status with each term and condition of the permit, including whether monitoring data is continuous and whether that data or any other credible evidence shows the compliance is continuous. The certification shall identify each deviation and take it into account in the compliance certification; and
- iv. A statement indicating the compliance status of the source with any applicable enhanced monitoring and compliance certification requirements of the CAA.

(E). Schedule of Compliance [40 C.F.R. §§ 71.6(c)(3) and 71.5(c)(8)(iii)]

1. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.
2. For applicable requirements that will become effective during the permit term, the source shall comply as required by the terms of the applicable requirement.

(F). Duty to Provide and Supplement Information [40 C.F.R. §§ 71.6(a)(6)(v) and 71.5(b)]

1. The Permittee shall furnish to EPA, within a reasonable time, any information that the EPA may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. Upon request, the Permittee shall also furnish to EPA copies of records that are required to be kept pursuant to the terms of this permit, including information claimed to be confidential. Information claimed to be confidential should be

accompanied by a claim of confidentiality according to the provisions of 40 CFR Part 2, Subpart B.

2. The Permittee, upon becoming aware that it omitted from its application any relevant facts or submitted incorrect information in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after this permit is issued.

(G). **Enforceability** [40 C.F.R. § 71.6(b)]

All terms and conditions in this permit, including any provisions designated to limit a source's potential to emit, are enforceable by the EPA and citizens in accordance with the CAA.

(H). **Submissions** [40 C.F.R. §§ 71.5(d), 71.6 and 71.9]

1. A responsible official of the Permittee shall certify as to the truth, accuracy, and completeness of any document required to be submitted by this permit. Such certifications shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Except as otherwise noted, the Permittee shall submit all documents required to be submitted by this permit to:

**EPA Region 5
Air and Radiation Division
Air Enforcement and Compliance
Assurance Branch (AE-17J)
77 West Jackson Boulevard
Chicago, IL 60604**

2. The Permittee shall submit permit applications, applications for permit amendments, and other applicable permit information, which includes but is not limited to installation of control equipment, replacement of an emissions unit, fee calculation worksheets, and applications for renewals and permit modifications, to:

**EPA Region 5
Air and Radiation Division
Air Programs Branch (AR-18J)
Air Permits Section
77 West Jackson Boulevard
Chicago, IL 60604**

3. The Permittee shall submit all submittals that are required by the Acid Rain Program, 40 C.F.R. Parts 72 through 78 to:

**U. S. Environmental Protection Agency
Clean Air Markets Division
Ariel Rios Building (6204J)
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460**

(I). **Severability Clause** [40 C.F.R. § 71.6(a)(5)]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

(J). **Permit Actions** [40 C.F.R. § 71.6(a)(6)(iii)]

EPA may modify, revoke, reopen and reissue, or terminate this permit for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(K). **Administrative Permit Amendments**

The Permittee may request the use of administrative permit amendment procedures for a permit revision in accordance with 40 C.F.R. § 71.7(d).

(L). **Minor Permit Modifications**

The Permittee may request the use of minor permit modification procedures for those modifications that meet the requirements contained in 40 C.F.R. § 71.7(e)(1).

(M). **Significant Permit Modifications**

The Permittee must request the use of significant permit modification procedures for those modifications that meet the requirements contained in 40 C.F.R. § 71.7(e)(3).

(N). **Reopening for Cause** [40 C.F.R. § 71.7(f)]

The EPA shall reopen and revise the permit prior to expiration under any of the following circumstances:

1. Additional applicable requirements under the CAA become applicable to this source if the remaining permit term is three or more years.

2. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
3. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(O). Property Rights [40 C.F.R. § 71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

(P). Inspection and Entry [40 C.F.R. § 71.6(c)(2)]

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow EPA or an authorized representative to perform the following as authorized by the CAA:

1. Enter upon the Permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records are kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
4. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(Q). Emergency Provisions [40 C.F.R. § 71.6(g)]

1. In addition to any emergency or upset provision contained in any applicable requirement, the Permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the Permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
 - ii. The permitted facility was at the time being properly operated;

- iii. During the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
 - iv. The Permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
2. In any enforcement proceeding, the Permittee attempting to establish the occurrence of an emergency has the burden of proof.
3. An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

(R). Off Permit Changes [40 C.F.R. § 71.6(a)(12)]

The Permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

- i. The change is not addressed or prohibited by this permit;
- ii. The change must comply with all applicable requirements and may not violate any existing permit term or condition;
- iii. The change cannot be subject to any requirement of 40 C.F.R. Parts 72 through 78 or modifications under any provision of Title I of the CAA;
- iv. The Permittee must provide contemporaneous written notice to EPA of the change, except if the change qualifies as insignificant activity under 40 C.F.R. § 71.5(c)(11). The written notice must describe the change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
- v. The permit shield does not apply to any change made under this provision; and

- vi. The Permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

(S). **Permit Expiration and Renewal** [40 C.F.R. §§ 71.5(a)(1)(iii), 71.6(a)(11), 71.7(b), 71.7(c)(1)(i) and (ii), 71.8(d)]

1. This permit shall expire upon the earlier occurrence of the following events:
 - i. Five years elapses from the date of issuance; or
 - ii. The source is issued a valid part 70 permit.
2. Expiration of this permit terminates the Permittee's right to operate unless the Permittee has submitted a timely and complete permit renewal application at least six calendar months, but not more than eighteen calendar months, prior to the date of expiration of this permit.
3. If the Permittee submits a timely and complete permit application for renewal, consistent with 40 C.F.R. § 71.5(a)(2), but EPA has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted pursuant to 40 C.F.R. § 71.6(f) may be extended beyond the original permit term until renewal.
4. If the Permittee has submitted a timely and complete application for renewal, the Permittee's failure to have a Part 71 permit is not a violation of Part 71 until the EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by the EPA.
5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation and affected State and tribal review.
6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

(T). **Operational Flexibility** [40 C.F.R. § 71.6(a)(13)]

The Permittee may make changes within a permitted facility without a permit revision, provided the following conditions are met:

1. The changes are not modifications under any provision of Title I of the CAA;
2. The changes do not result in emissions that exceed the emissions allowed under this permit (whether expressed therein as a rate of emissions or in terms of total emissions); and
3. The Permittee notifies the EPA at least seven days in advance of the proposed changes. The written notification shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(U). **Permit Shield** [40 C.F.R. § 71.6(f)]

1. Compliance with the conditions of this permit shall be deemed compliance with any specifically identified applicable requirements as of the date of permit issuance.
2. Nothing in this permit shall alter or affect the following:
 - i. The liability of the Permittee for any violation of applicable requirements prior to or at the time of permit issuance;
 - ii. The ability of EPA to obtain information under Section 114 of the CAA; or
 - iii. The provisions of Section 303 of the CAA (emergency orders), including the authority of the Administrator under that section.

(V). **Credible Evidence** [62 Fed. Reg. 8314 (February 24, 1997)]

Notwithstanding the conditions of this permit specifying compliance practices for applicable requirements, any person (including the Permittee and EPA) may also use other credible evidence to establish compliance or noncompliance with applicable requirements.